

James Jordan Austin,

Plaintiff,

v.

The City of York,

Defendant.

)
) C.A. No. 0:17-1054-MBS
)
) **NOTICE OF REMOVAL**
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Pursuant to 28 U.S.C. § 1441(a), Defendant files this Notice of Removal to remove this action from the Court of Common Pleas for York County, South Carolina, to the United States District Court for the District of South Carolina, and state:

2. The action referred to in paragraph 1 is a civil action over which this court has original and removal jurisdiction under 28 U.S.C. §§ 1331, 1343 and 1441(a). In particular, the court has jurisdiction in that it appears upon the face of the Complaint that this action arises under the Constitution and laws of the United States, specifically, the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, which exclusively governs the payment of overtime in South Carolina.

3. This Notice of Removal is filed within thirty (30) days after service of the Summons and Complaint upon Defendant and is therefore timely under 28 U.S.C. § 1446(b).

4. Copies of all proceedings, pleadings and papers served on Defendant to date are attached and filed with this Notice of Removal.

5. Written notice of the filing of this Notice of Removal will be promptly served on Plaintiff.

6. A true and correct copy of this Notice of Removal will be filed with the Clerk of Court for the Court of Common Pleas for York County, South Carolina, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, Defendant removes this action to this Court's jurisdiction.

Columbia, South Carolina

April 24, 2017

s/ Christopher W. Johnson
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